
Federal Communications Commission

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of

City Of Monte Vista
Monte Vista, Colorado
Attention: Kevin Hayner

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File No. EB-03-DV-246

NOV No. V20033280001

NOTICE OF VIOLATION

Released: August 25, 2003

By the District Director, Denver Office, Enforcement Bureau:

1. This is a Notice of Violation ("Notice") issued pursuant to Section 1.89 of the Commission's Rules,¹ to the City of Monte Vista, Colorado.

2. On August 11, 2003, an agent of the Commission's Denver Office inspected the antenna structure located east of the Colorado Division of Wildlife Office at 722 South Road 1 East, in Monte Vista, Colorado, and observed the following violation:

47 C.F.R. § 17.4(a): "... the owner of any... existing antenna structure that requires notice of proposed construction to the Federal Aviation Administration must register the structure with the Commission." During the inspection, the agent observed the tower to be painted and outfitted with lighting appurtenances in accordance with FAA requirements, indicating that the structure was required to be registered with the FCC. An on-scene check of the Commission's antenna structure registration ("ASR") database revealed that the structure was not registered.

3. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,² and Section 1.89 of the Commission's Rules, City of Monte Vista must submit a written statement concerning this matter within 20 days of release of this Notice. The response must fully explain the violation, must contain a statement of the specific action(s) taken to correct the violation and preclude recurrence, and should include a time line for completion of pending corrective action(s). The response must be complete in itself and signed by a principal or officer of the licensee with personal knowledge of the matter. All replies and documentation sent in response to this Notice should be marked with the File No. and NOV No. specified above, and mailed to the following address:

¹ 47 C.F.R. § 1.89.

² 47 U.S.C. § 308(b).

Federal Communications Commission

Federal Communications Commission
Denver District Office
215 S. Wadsworth Blvd., Suite 303
Lakewood, CO 80226

Federal Communications Commission

4. This Notice shall be sent via Certified Mail No. 7001 0320 0002 9702 9325, Return Receipt Requested, to City of Monte Vista, Attn: Kevin Hayner, 4 Chico Camino Street, Monte Vista, Colorado, 81144.

5. The Privacy Act of 1974³ requires that we advise you that the Commission will use all relevant material information before it, including any information disclosed in your reply, to determine what, if any, enforcement action is required to ensure compliance. Any false statement made knowingly and willfully in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.⁴

FEDERAL COMMUNICATIONS COMMISSION

Jon R. Sprague
Acting District Director
FCC Denver Office

cc: Robert Hagedorn
Monte Vista Fire Protection District
Monte Vista, CO 81144

NPS/kk

³ P.L. 93-579, 5 U.S.C. § 552a(e)(3).

⁴ 18 U.S.C. § 1001 *et seq.*